

Attorney Docket No. Le A 33 162

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: FITZGERALD, et al

Application No.: 09/869,668

Group No.: 1624

Filed: 01/02/02

Examiner: PATEL, Sudhaker B.

For: Use of Substituted 4-Biarylbutyric and 5-Biarylpentanoic Acid Derivatives as Matrix  
Metalloprotease Inhibitors for the Treatment of Respiratory Diseases

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: November 21, 2003

Tilman Breitenstein

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Assistant Commissioner for Patents  
Washington, D.C. 22313

NOV 26 2003

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING DATE OF EITHER A FINAL ACTION  
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))

TECH CENTER 1600/2900

TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either

- (1) a final action under section 1.113 or
- (2) a notice of allowance under section 1.311

whichever occurs first.

FEE

2. Accompanying this transmittal is the fee for submission of an information disclosure statement under § 1.97(c). (\$180.00)

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Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance—page 1 of 2)



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### FEE PAYMENT

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Fee due \$ 180.00

### METHOD OF PAYMENT OF FEE

4. Please charge Account No. 13-3372 in the amount of \$ 180.00. The Commissioner is also authorized to charge any fees that may have been overlooked but that are required to Deposit Account 13-3372. Additionally, please credit any overpayment to the same account.

Respectfully submitted,

Reg. No. 31018

Telephone: (203) 812-2712

Date: November 21, 2003

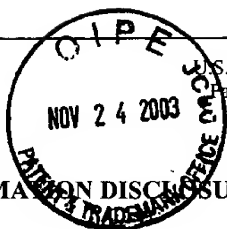
William F. Gray  
Attorney for Applicant(s)  
Bayer Corporation  
400 Morgan Lane  
West Haven, CT 06516

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Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Serial No.	Group Art Unit	Filing Date	Atty. Docket No.
		09/869,668	1624	01/02/02	Le A 33 162
INFORMATION DISCLOSURE CITATION		Applicant(s) FITZGERALD, et al			



U.S. PATENT DOCUMENTS													
*		DOCUMENT NO.							DATE MM/DD/YY	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	U1	5	8	6	1	4	2	8	01/19/99	KLUENDER			
	U2	5	8	8	6	0	2	4	03/23/99	KLUENDER			
	U3	5	8	8	6	0	4	3	03/23/99	KLUENDER			
	U4	5	8	5	4	2	7	7	12/29/98	KLUENDER			
	U5	5	8	6	1	4	2	7	01/19/99	KLUENDER			
	U6	5	8	8	6	0	2	2	03/23/99	KLUENDER			
	U7	5	8	7	4	4	7	3	02/23/99	KLUENDER			
	U8	5	8	5	9	0	4	7	01/12/99	KLUENDER			
	U9	5	7	8	9	4	3	4	08/04/98	KLUENDER			
	U10	6	1	6	6	0	8	2	12/26/00	KLUENDER			

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FOREIGN PATENT DOCUMENTS														
		DOCUMENT NO.							DATE DD/MM/YY	COUNTRY	PRIMARY CLASS	SUB- CLASS	TRANSLATION	
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EXAMINER	DATE CONSIDERED
* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)		

EXAMINER	DATE CONSIDERED
<p>* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	